

PART III—Section 2

NOTIFICATIONS BY THE HEADS OF DEPARTMENTS

JUDICIAL DEPARTMENT

HIGH COURT OF MYSORE AT BANGALORE.

Notification R. Dis. No. 17 of 40-41, dated 28th January 1941.

Under Section 130 of the Code of Civil Procedure and with the previous sanction of the Government, the High Court hereby orders that the following instructions be followed regarding the cases to be entered in Register No. III (Civil), Register of Miscellaneous Cases, and that they be substituted for the instructions printed on pages 11 and 12 of Volume II, Civil Rules of Practice and Circular Orders (1936) :—

All miscellaneous (judicial) cases, which require a judicial inquiry or order, but for which no separate register is prescribed, should be entered in this register. The following list shows the cases which are to be entered in this register :—

1. Cases in which a plaint or memorandum of appeal is rejected before registration in the Register of Civil Suits or in the Register of Appeals, as the case may be ;
2. Applications under Section 22 or 24, Code of Civil Procedure, to transfer suits, appeals, or other proceedings pending in a subordinate Court ;
3. Applications under Order IX, Rule 4, 9 or 13; Order XXII, Rule 9, Order XXV, Rule 2, or Order XLII, Rule 19 or 21, Code of Civil Procedure, for the restoration to file of a suit or appeal dismissed on default or decreed *ex parte* ;
4. Proceedings under Order XVI, Rule 12 or 17; Code of Civil Procedure ;
5. Cases under Section 47, Code of Civil Procedure, i.e., all applications other than applications for the execution of a decree, which arise between the parties and relate to the execution, discharge, or satisfaction of a decree ;

[*Note.*—(1) Applications for the ascertainment of mesne profits should not be registered as miscellaneous cases but should be regarded as applications made in the course of the trial of the suit—*Vide* Order XX, Rule 12, Code of Civil Procedure.

(2) Applications by decree-holders or by judgment-debtors reporting satisfaction must be numbered as miscellaneous cases].

6. Inquiries under Order XXI, Rule 2, Code of Civil Procedure, in regard to payments or adjustments alleged to have been made ;

7. Claims and objections to the attachment of property under Order XXI, Rule 58, Code of Civil Procedure, and claims to property attached before judgment under Order XXXVIII, Rule 8, Code of Civil Procedure ;

[*Note.*—Applications under Order XXI, Rule 89, 90 or 91, Code of Civil Procedure, to set aside a sale in execution of a decree are to be treated as parts of the execution cases and not entered as separate miscellaneous cases].

8. Applications for delivery of property under Order XXI, Rule 95 or 96, Code of Civil Procedure ;

9. Complaints by decree-holders or purchasers under Section 74 and Order XXI, Rule 97, Code of Civil Procedure, of resistance to delivery of possession ;

10. Applications under Order XXI, Rule 100, Code of Civil Procedure ;

11. Commissions for the examination of witnesses under Order XXVI, Rule 4, Code of Civil Procedure, received from other Courts ;

12. Applications under Order XXXIII, Rule 1, Order XLI, Rule 22, or Order XLIV, Rule 1, Code of Civil Procedure, for permission to sue or appeal as a pauper ;

13. Inquiries under Order XLIV, Rule 2, Code of Civil Procedure, into the pauperism of an appellant or respondent, as the case may be, made under the orders of the appellate Court by the Court from whose decision the appeal or cross-objection is preferred ;

14. Applications under Order XLVII, Rule 1, Code of Civil Procedure, for review of judgment ;

15. References to the High Court under Order XLVI, Rule 7, Code of Civil Procedure, and applications for such references ;

16. Applications for the grant, revocation or annulment of probate and letters of administration under the Indian Succession Act, 1865, or the Probate and Administration Act, 1914 ;

17. Cases under the Legal Practitioners' Act, 1884;
18. Applications for certificates under the Succession Certificate Act, 1901;
19. Applications under the Guardians and Wards Act, 1911;
20. Cases under Sections 195, 476, 478 or 480 of the Code of Criminal Procedure;
21. Applications under the Companies Act, 1938;
22. Applications under the Lunacy Act, 1916;
23. Cases regarding discharge of incumbrances on sales under Section 57 and redemption and foreclosure of mortgages under Section 83 of the Transfer of Property Act, 1918;
24. Cases under Parts III and IV of the Land Acquisition Act, 1894;
25. Applications under Section 20 of the City Municipalities Act, 1933, or Section 20 of the Town Municipalities Act, 1933, or Section 11 of the Minor Municipalities Act, 1933;
26. Applications under Section 61 of Stamp Act, 1900;
27. Applications under Section 20, 67 or 73 of the Village Courts Act, 1913;
28. Proceedings under the Arbitration Act, 1917;
29. Proceedings under the Government of Mysore Act, 1940;
30. Applications under Section 14 of the District Board Act, 1926;
31. Applications under Section 187-A of the Land Revenue Code;
32. Applications under Section 42-A of the Co-operative Societies Act, 1918.

T. SHAMIENGAR,
Registrar.

IN THE COURT OF THE MUNSIF AT KOLAR GOLD FIELDS.

Insolvency Application No. 40 of 1935-36.

Arunachalam Mudaliar, son of Kanniappa Mudaly, Round Shaft,
Marikuppam ... Applicant.

As the petitioner has failed to apply for discharge, it is ordered that the order of adjudication dated 16th June 1936 against the applicant be, and the same is hereby annulled.

Insolvency Application No. 1 of 1936-37.

T. C. Perumalsami, son of Chinnasamy, Fitter Cooly, Marikuppam ... Applicant.

As the petitioner has failed to apply for discharge, it is ordered that the order of adjudication, dated 2nd February 1937, against the applicant, be and the same is hereby annulled.

Insolvency Application No. 2 of 1936-37.

V. Ayyasamy alias Manikyam, son of Velayadham, Machine Cooly,
Champion Reefs ... Applicant.

As the petitioner has failed to apply for discharge, it is ordered that the order of adjudication, dated 10th November 1936, against the applicant, be, and the same is hereby annulled.

Insolvency Application No. 4 of 1936-37.

Ponnasamy, son of Kandan, Unloading Cooly, Marikuppam ... Applicant.

As the petitioner has failed to apply for discharge, it is ordered that the order of adjudication, dated 17th November 1936, against the applicant, be and the same is hereby annulled.

Insolvency Application No. 5 of 1936-37.

(1) Bheema Singh, son of Siva Singh, Concrete Cooly, Champion
Reefs, (2) Balaji Singh, son of first, Hammer Cooly, Nandidroog
Mines ... Applicants.

As the applicants have failed to apply for discharge, it is ordered that the order of adjudication, dated 12th January 1937, against the applicant, be and the same is hereby annulled.